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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,207	02/28/2000	James P. Cashiola	046.0005	8481

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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

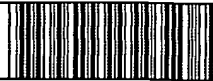
Office Action Summary

Application No.
09/514,207

Applicant(s)
JAMES CASHIOLA

Examiner
Rexford Barnie

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2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 25, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-24 is/are allowed.
- 6) ☒ Claim(s) 1-11 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. Claims 12-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The pre-amble should be amended to include the "consolidating billing data related to said services" --for a subscriber associated with disparate devices--.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10, 25, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchbanks et al. (US Pat# 6,266,401) in view of Cameron et al. (US Pat# 6,317,490) or Buscher et al. (US Pat# 5,506,893).

Regarding claim 1, Marchbanks teaches a consolidated billing system and method for use in telephony networks wherein a network resource control facility communicates and provides a plurality of communications services to a user including data, voice, wireless, paging, voice mail and so forth such that a consolidated bill indicative of services provided (see fig. 6, column 1 lines 43-56, column 4 line 55-column 5 line 10) but fails to teach an interface such as a

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customer interface through which one can obtain real-time access to billing information. It's notoriously well known in the art to be able to access billing records in real-time.

Buscher et al. teaches a telecommunication network arrangement for providing real-time access to billing records (see title) wherein a user can login and if a password is valid, the user can gain access to call detail records (see fig. 7 and column 4 lines 31-45) during the progress of the communication and/or immediately after termination of the communication.

Cameron et al. teaches a method and apparatus for real-time billing account query wherein a user can query a billing system for real-time billing information which can be presented to the user in a data announcement form (see fig. 1, column 1 lines 49-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Buscher or Cameron into that of Marchbanks thus making it possible to detect fraudulent charges associated with an account, if any, and also, to be able to review communication charges right away without having to wait a considerable time for communication charges.

Regarding claim 2, The examiner takes official notice that it's notoriously well known to bill a user based on allocation of bandwidth, time of day, traffic and forth in multi-media communication.

Regarding claim 3, The combination including Marchbanks teaches a consolidated bill comprising of voice and data charges (see column 1 lines 45-48 of Marchbanks et al.).

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Regarding claims 6-7, It's well known to use H.323 protocol when transmitting real-time voice and video signals over a network including WANS, LANS and intranets. It would have been obvious to use this protocol for communication services including video-conferencing and so forth.

Regarding claims 8 and 9, The combination teaches billing a user for usage of network resources possibly including voice-mail, voice communication and so forth (see fig. 6).

Regarding claim 10, The combination teaches being able to access real-time billing information.

Regarding claim 25, see the explanation as set forth in the rejection of claim 1

Regarding claims 26 and 28, The combination teaches being able to retrieve billing information in real-time (see Cameron or Buscher)

4. Claims 4-5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchbanks et al. (US Pat# 6,266,401) in view of Cameron et al. (US Pat# 6,317,490) or Buscher et al. (US Pat# 5,506,893) and further in view of Ely et al. (US Pat# 6,115,737).

Regarding claims 4-5 and 29, The combination fails to teach be able to access a network resource control facility as means of selecting desired service or resources over the internet. Ely et al. teaches a system and method for accessing customer contact services over a network including the internet such that a user can select desired services without having to contact an operator for them (see column 3 lines 49-column 5 line 28).

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Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to incorporate the teaching of Ely et al. into that of the combination thus making it possible to select services without having to consulting a network operator which in essence saves time for the subscriber.

5. Claims 11 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marchbanks et al. (US Pat# 6,266,401) in view of Cameron et al. (US Pat# 6,317,490) or Buscher et al. (US Pat# 5,506,893) and further in view of Rothenhofer et al. (US Pat# 6,047,050).

Regarding claims 11 and 27, the combination fails to teach that the real-time billing data can be accessed over the internet.

Rothenhofer et al. teaches an apparatus and method for accessing subscriber data via telecommunications terminal comprising of being able to retrieve billing data in real-time over a data network (see column 1 lines 47-62). Rothenhofer does not put a restriction on the data network and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rothenhofer into that of the combination thus making it possible to contact billing system located over a wide geographical area for real-time billing data via computer terminal.

Allowable Subject Matter

6. Claims 12-24 are allowed. The claim is indicative of the embodiments as shown in (fig. 1).

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Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:

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or faxed to (703) 872-9314 and labeled accordingly (Please label **"PROPOSED/INFORMAL"** or **"FORMAL"**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
RB 03/15/02